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**VIA ECF**

Hon. Valerie E. Caproni  
United States District Court  
Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square, New York, NY 10007

Re: *Kane, et al v. de Blasio, et al*  
Docket 21 civ 7863

Dear Judge Caproni,

As requested, I hereby respectfully inform the Court that a merits panel at the Second Circuit has issued a final decision and the interlocutory appeal is concluded. The decision is in the docket at No. 77 and attached hereto for the Court's convenience.

My understanding is that this matter is now no longer stayed, since the interlocutory appeal has concluded. By this letter, I object to counsel's attempt to block normal proceedings now that the matter is again before the District Court. They cite no law or precedent that would allow such a blatant attempt to prohibit access to the courts, which my clients have a right to under the United States Constitution, among other sources of protection.

Moreover, in response to Defendants' characterization of Rule 15, I respectfully note that Defendants are in error. Rule 15(b) provides Plaintiffs the right to amend as of course within 21 days of receiving a responsive pleading as an alternative to 15(a). As no responsive pleading has been filed, there is no basis for objecting to an amendment as of course. To the extent that the Court wishes to vacate the amended pleading that was filed during the pendency of the appeal, Plaintiffs do not waive their right to refile now that the stay has been lifted. They do not consent to wait until the DOE has conducted their fresh "Title VII compliant" review.

Respectfully Submitted,

*/s/ Sujata S. Gibson*  
Counsel for the Plaintiffs

Cc: All counsel via ECF